

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SUZI HARRIS, nka WEST,
Plaintiff,

vs.

ZAFFINOS SPORTS GRILL, and
MICHAEL ZAFFINOS,
Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT AND ORDERING
FILING OF SUPPORTING
AFFIDAVIT

Case No. 2:04-CV-26 TS

This matter is before the Court on Plaintiff's Motion for Default Judgment. Default has been entered against Defendants by the clerk of court.¹ Reviewing the Complaint, it does not state a claim for a sum certain. Accordingly, the Court proceeds under Rule 55(b)(2).² Plaintiff's counsel has submitted an Affidavit in support of damages that merely notes the statutory limit for damages and seeks that amount, plus attorney fees. This does

¹Docket No. 4, Default Certificate.

²Fed.R.Civ.P. 55.

not meet the requirement for showing the amount of damages under Rule 55(b)(2).

Because this is a Title VII case and Plaintiff is the prevailing party, she shall be awarded attorney fees and costs. Plaintiff's counsel shall file a Bill of Costs regarding such fees and costs.³ It is therefore

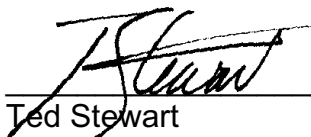
ORDERED that Plaintiff's Motion for Default Judgment (Docket No. 12) is GRANTED. It is further

ORDERED that within 20 days of the entry of this Order, Plaintiff shall file an affidavit supporting her claim of damages, including the amount and the basis for such amount. It is further

ORDERED that Plaintiff shall file any Bill of Costs in accordance with the Local Rules.

September 25, 2006.

BY THE COURT:



Ted Stewart
United States District Judge

³DUCivR 54-2 (taxation of costs and attorney fees).